

invention. The Office Action asserts that "masking system" is indefinite, and, in claim 23, "a dimension" is indefinite.

Applicants believe that the specification clearly defines a "masking system." Masking systems are described throughout the specification, for example, on page 5, lines 4-28. Applicants believe that the claims are definite when viewed in light of the specification. Accordingly, it is respectfully requested that the rejection of claims 1-23 and 45 be withdrawn.

Regarding claim 23, channels having a dimension for controlling the growth of a single cell are described in the specification, for example, on page 13, lines 22-32. Accordingly, it is believed that claim 23 is definite, and it is respectfully requested that the rejection of claim 23 be withdrawn.

Rejection of claims 1-23 and 45 under 35 U.S.C. §102(b) or 103(a) or double patenting  
(Office Action ¶5-9)

Claims 1-23 and 45 were rejected under 35 U.S.C. §102(b), or in the alternative, 103(a), or in the alternative, under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent Number 5,776,748 to Singhvi, et al. ("Singhvi").

Applicants believe that the present invention is patentably distinct over Singhvi. Applicants do not observe where in Singhvi is a masking system disclosed, suggested, or motivated, as recited in independent claims 1 and 45. In Singhvi, a method of patterning cells using a "stamping" process is described, for example, as shown in Fig. 1 of Singhvi.

Regarding the assertion that Singhvi and the instant application "are not patentably distinct from each other because a masking system useful in the shielding step is clearly taught by the regions of the surfaces disclosed in the patented claimed subject matter. One of skill would have expected successful results with a masking system per se," the Applicants do not observe where in Singhvi is a masking system taught, suggested, or motivated. As mentioned, Singhvi discloses a method of patterning cells using a stamping process.

Thus, the instant application is patentably distinct over Singhvi, and it is requested that the rejection of claims 1-23 and 45 under 35 U.S.C. §102(b) or 103(a) be withdrawn.

Additionally, as all pending claims of the instant application recite shielding, which is not disclosed or would be obvious from the claims of U.S. Pat. No. 5,776,748, it is believed that a terminal disclaimer is not necessary.

**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this affect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge the deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

*Ostuni et al., Applicants*

By: 

Timothy J. Oyer, Reg. No. 36,628  
Attorney of Record  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel. (617) 720-3500  
Fax (617) 720-2441

Docket No.: H00498.70135.US  
Date: October 24, 2002  
x10/30/02